

Senate File 323 - Introduced

SENATE FILE 323

BY CHELGREN

A BILL FOR

1 An Act establishing conditions under which a licensed teacher
2 may remove a student from the teacher's assigned classroom,
3 and including administrative protections and immunity from
4 civil and criminal liability.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.27, Code 2017, is amended to read as
2 follows:

3 **280.27 Reporting violence — removing students — protections**
4 **— immunity.**

5 1. An employee of a school district, an accredited nonpublic
6 school, or an area education agency who participates in good
7 faith and acts reasonably in the making of a report to, or
8 investigation by, an appropriate person or agency regarding
9 violence, threats of violence, physical or sexual abuse of
10 a student, or other inappropriate activity against a school
11 employee or student in a school building, on school grounds,
12 or at a school-sponsored function shall be immune from civil
13 or criminal liability relating to such action, as well as for
14 participating in any administrative or judicial proceeding
15 resulting from or relating to the report or investigation.

16 2. A teacher who is licensed under chapter 272 and employed
17 by a school district, an accredited nonpublic school, or
18 an area education agency may temporarily or permanently
19 remove from the teacher's assigned classroom a student who is
20 continuously or extremely disruptive in the teacher's assigned
21 classroom. The teacher shall immediately submit written
22 notice of such action, including a statement describing the
23 incident, to the school administrator and to the president
24 of the board or the authorities in charge of the school,
25 as appropriate. The teacher shall not be disciplined or
26 placed on administrative leave solely for removing a student
27 from the teacher's assigned classroom in accordance with
28 this subsection. At the request of the teacher, the school
29 district, school, or area education agency shall either
30 reassign the student to a different classroom or to a different
31 teacher or shall provide educational services to the student
32 in an alternative setting. A teacher who reasonably and in
33 good faith removes a student from the teacher's assigned
34 classroom and submits notice of the incident in accordance
35 with this subsection shall be immune from civil or criminal

1 liability relating to the incident, and to participation in
2 any administrative or judicial proceeding resulting from or
3 relating to the incident.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill authorizes a licensed teacher who is employed by
8 a school district, an accredited nonpublic school, or an area
9 education agency to temporarily or permanently remove from the
10 teacher's assigned classroom a student who is continuously
11 or extremely disruptive in the teacher's assigned classroom,
12 and provides protections from administrative discipline and
13 immunity from civil or criminal liability for such action.

14 The teacher must immediately submit written notice of such
15 action, including a statement describing the incident, to the
16 school administrator and to the president of the board or the
17 authorities in charge of the school, as appropriate. The
18 teacher shall not be disciplined or placed on administrative
19 leave solely for removing a student from the classroom.

20 At the request of the teacher, the student shall be
21 reassigned to a different classroom or to a different teacher
22 or shall provide educational services to the student in an
23 alternative setting. A teacher who reasonably and in good
24 faith removes a student and submits notice of the incident
25 is immune from civil or criminal liability relating to the
26 incident and to participation in any administrative or judicial
27 proceeding resulting from or relating to the incident.